

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYNNE FREEMAN,

Plaintiff,

-against-

TRACY DEEBS-ELKENANEY, et al.,

Defendants.

22-CV-02435 (LLS)(SN)

AMENDED SCHEDULING
ORDER

SARAH NETBURN, United States Magistrate Judge:

The following schedule shall govern pretrial proceedings.

Discovery. The disclosure of Defendants’ expert evidence intended to contradict or rebut expert evidence on the same subject matter (other than damages), shall be made by Thursday, August 31, 2023. All expert discovery other than as to damages shall be completed by Friday, September 29, 2023. All further expert discovery on the issue of damages shall be deferred *sine die* until after the Court has ruled on the parties’ motions for summary judgment and Defendants have responded to Plaintiff’s outstanding discovery on damages.

Summary Judgment. The Court understands that Plaintiff intends to move for summary judgment against (1) Tracy Deebs-Elkenaney, Entangled Publishing, LLC, Universal City Studios, LLC, and Holtzbrinck Publishers, LLC (the “Publishing Defendants”) and (2) Emily Sylvan Kim and Prospect Agency, LLC (the “Prospect Defendants”), and that the Publishing Defendants and the Prospect Defendants each intend to cross-move for summary judgment. Accordingly,

- By Friday, October 20, 2023, Plaintiff shall file one motion for summary judgment against all Defendants. The brief in support of the motion shall not exceed 30 pages.
- By Wednesday, November 22, 2023, the Publishing Defendants and the Prospect Defendants shall each file a brief constituting their opposition to Plaintiff’s motion and their affirmative motion for summary judgment. Each such brief shall not exceed 50 pages.

- By Friday, December 22, 2023, Plaintiff shall file one brief constituting her reply brief in further support of her motion against the Publishing Defendants and in opposition to these defendants' motion. Plaintiff shall file a second brief constituting her reply brief in further support of her motion against the Prospect Defendants and in opposition to these defendants' motion. Each brief shall not exceed 40 pages.
- By Friday, January 12, 2024, the Publishing Defendants and the Prospect Defendants shall each file a brief constituting their reply in further support of their motion. Each such brief shall not exceed 15 pages.

Daubert Motions. The Court understands that all parties intend to file motions to exclude certain expert witnesses pursuant to Rule 702 of the Rules of Evidence and under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (the "Daubert motion"). The Court believes all Defendants can file a single motion. Accordingly,

- By Friday, October 20, 2023, Plaintiff shall file her Daubert motion. Her brief in support shall not exceed 20 pages.
- By Wednesday, November 22, 2023, all Defendants shall file their Daubert motion. Their brief in support of their motion and in opposition to Plaintiff's motion shall not exceed 40 pages.
- By Friday, December 22, 2023, Plaintiff shall her brief in opposition to Defendants' Daubert motion. Her brief shall not exceed 20 pages.
- No reply briefs will be accepted with respect to the Daubert motions.


Pretrial Filings. The Court stays compliance of Rule 4(a) of Judge Louis L. Stanton's Individual Rules until further order of the Court.

Settlement Conference. In light of the Court's busy calendar, settlement conferences must generally be scheduled at least six to eight weeks in advance. The Court will likely be unable to accommodate last-minute requests for settlement conferences, and the parties should not anticipate that litigation deadlines will be adjourned in response to late requests for settlement conferences. Accordingly, the parties are encouraged to contact Courtroom Deputy Rachel Slusher,

rachel_slusher@nysd.uscourts.gov, with three mutually convenient dates to schedule a settlement conference for a time when they believe it would be productive.

SO ORDERED.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Dated: August 21, 2023
New York, New York